

Message

From: Williamson, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DD623BEAD3A8477AB983BEE5035CCA49-WILLIAMSON, TIMOTHY]
Sent: 4/13/2017 1:32:56 PM
To: Carson, David A (ENRD) [David.A.Carson@usdoj.gov]
Subject: FW: Favorable 9th Cir opinion dismissing challenge to EPA CWA NPDES permit objection
Attachments: ENV_DEFENSE-#802965-v1-DN_54-1_FILED_OPINION_(KIM_MCLANE_WARDLAW__JAY_S__BYBEE_and_ROBERT_HOLMES_BELL)_DISMISSED__Judge__JSB_Author

fyi

From: Ford, Peter
Sent: Thursday, April 13, 2017 8:38 AM
To: Williamson, Timothy <Williamson.Tim@epa.gov>; Williams, Ann <Williams.Ann@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Subject: FW: Favorable 9th Cir opinion dismissing challenge to EPA CWA NPDES permit objection

All,

Deliberative / Atty-Client / Atty WP/ Ex.5

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U.S. EPA Office of General Counsel
202.564.5593

From: Schroer, Lee
Sent: Thursday, April 13, 2017 8:27 AM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: Favorable 9th Cir opinion dismissing challenge to EPA CWA NPDES permit objection

This is an opinion all of you will enjoy reading. This is Pooja's case and Dawn, Mary Ellen and the 509 team all helped with the briefing. Eileen McDonough argued the case Nov 7th.

Favorable opinion in *Southern California Alliance of Publicly Owned Treatment Works v. EPA* (9th Cir. No. 14-74047). The 9th Cir dismissed challenge to EPA NPDES permit objection for lack of subject matter jurisdiction. Court found that EPA objection merely interim step in state permitting process and state chose to revise permit and retrain control of permitting process. Appropriate review of permit in state court.

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